

DEC 24 2003

1614



December 19, 2003

To: Commissioner for Patents  
P O Box 1450  
Alexandria VA 22313-1450

Subject: IDS Submission  
Application No. 10/634,978

Dear Sir:

This is an IDS submission pursuant to the requirements under 37CFR 1.97(b)(3) to be considered as being properly filed prior to the mailing date of the first office action on the merits.

**Forms Filled:**

PTO/SB/08A and PTO/SB/08B

**List of Documents Provided:**

- 1) US application 2003/0204082 A1 . This US application claims a foreign priority from an Italian application MI2002A 000913 filed and published on April 29, 2003. A copy of the Italian publication is not provided since it is substantially cumulative
- 2) Copy of reference from DEPATIS database showing a publication date for the Italian patent application.

**Relevance:**

The US patent application 2003/0204082 A1 published on October 30, 2003 relates to "Crystalline form of Cefdinir"; This application reports a crystal with a moisture content of 6.0% that is covered in our patent application and a X-Ray Diffraction Pattern that is concordant with the XRD pattern of our claimed Cefdinir Crystal B. Their method of preparation is however different.

The stated publication date of the priority Italian application is April 29,2002; this is more than a year before our US filing.

We believe this information is material to 102 patentability for our specific submitted claims 1,2 and 3.

Submitted respectfully,  
*Jay R Akhave*  
Jay R Akhave  
Reg. # 50,016



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 07/07/2006. GMB 0531-003  
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Substitute for form 1449/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

*(Use as many sheets as necessary)*

|                          |                |
|--------------------------|----------------|
| <b>Complete if Known</b> |                |
| Application Number       | 10/634,978     |
| Filing Date              | 08/04/2003     |
| First Named Inventor     | Ramesh Dandala |
| Art Unit                 | 1614           |
| Examiner Name            |                |
| Attorney Docket Number   | 2003-015       |

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Sheet 1 of 1

U.S. PATENT DOCUMENTS

## **FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | FOREIGN PATENT DOCUMENTS   |                                | Pages, Columns, Lines,<br>Where Relevant Passages<br>Or Relevant Figures Appear | T <sup>6</sup> |
|--------------------|-----------------------|--|--------------------------------|---|----------------|
|                    |                       | Foreign Patent Document<br><br>Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document                              |                |
|                    |                       | IT MI2002A 000913  | 04/29/2002                     | Manca   |                |
|                    |                       |  |                                |   |                |
|                    |                       |  |                                |   |                |
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|                    |                       |  |                                |   |                |

**Examiner Signature** \_\_\_\_\_ **Date Considered** \_\_\_\_\_

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B (08-03)

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| Application Number  |   | 10/634,978             |   |
| Filing Date   |   | 08/04/2003             |   |
| First Named Inventor  |   | Dandala                |   |
| Art Unit  |   | 1614                   |   |
| Examiner Name   |   |                        |   |
| Sheet   | 1 | of                     | 1 |
|   |   | Attorney Docket Number |   |
|   |   | 2003-015               |   |

## NON-PATENT LITERATURE DOCUMENTS

|                               |  |                            |  |
|-------------------------------|--|----------------------------|--|
| <b>Examiner<br/>Signature</b> |  | <b>Date<br/>Considered</b> |  |
|-------------------------------|--|----------------------------|--|

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